

SENATE BILL 2931

By Crowe

AN ACT to establish the office of county attorney for Washington County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Office of the County Attorney for Washington County is hereby created and established and shall exist at all times from and after the date this act becomes a law.

SECTION 2. The County Attorney for Washington County shall be appointed or elected by the Washington County Board of County Commissioners (hereinafter referred to as "the County Commission"). The process shall be that the Washington County Mayor shall make a recommendation to the County Commission and the County Commission may receive additional nominations from the floor and will determine whom to appoint or elect by a majority vote. In the event the County Mayor fails to make a recommendation the County Commission deems to be timely, the County Commission may take nominations from the floor of any regular or called meeting and appoint or elect from those nominations. The County Commission may vote to remove a County Attorney at any time upon a two-thirds (2/3) majority vote of the County Commission regardless of any written or verbal agreement to the contrary. The terms, conditions, term of appointment and duties of the office of County Attorney shall be as set forth in a written agreement approved by the County Commission.

SECTION 3. It shall be the function and duty of the County Attorney to attend all meetings of the County Commission and render advice as to legal matters arising during such meetings; to render legal advice, legal opinions, and other legal services to the County and any of its officials, departments, offices, boards, and commissions; to attend to the day-to-day legal issues of the County; and to manage the County's legal department. It shall further be the function and duty of the County Attorney to prosecute all suits instituted by the County and to

defend all suits brought against the County or any of its officials, departments, offices, boards, commissions, and employees; to represent the County at any hearings before any board or commission; to prepare resolutions at the request of the County Commission, its committees, or members; to notify the County Commission of all new litigation involving the County; and to update the County Commission periodically regarding the status of ongoing litigation. The County Attorney shall have authority to consult with and employ or retain outside counsel for special issues for which the County Attorney determines there is a need, to the extent there is funding available for legal services in the county budget. Additionally, if selected by the County Trustee and approved by the County Mayor as provided by general law, the County Attorney will act as the county's delinquent tax attorney without additional compensation and all statutory fees allocated by general law to the county's delinquent tax attorney shall be deposited in the general fund of Washington County and not be retained by the County Attorney.

SECTION 4. The office of the County Attorney for Washington County, at the discretion of the County Commission, may be established as a full-time or part-time office.

SECTION 5. The Washington County Commission under this act shall determine the compensation, term of office or length of contract of employment, duties and responsibilities, qualifications, job description, and operational needs of each attorney employed or retained by Washington County.

SECTION 6. The Washington County Board of County Commissioners may approve the retention of special counsel to represent Washington County or any of its officials, departments, offices, boards, commissions, and employees when the Board determines such counsel is needed. Absent any conflict of interest, the County Attorney will supervise/coordinate all litigation to which Washington County is a party, along with any external attorneys hired to represent Washington County, or any of its officials, departments, offices, boards, commissions, and employees except in the circumstance of litigation brought against Washington County by such officials, boards, and commissions as authorized by law.

SECTION 7. In the event that the County Attorney shall have a conflict of interest that prevents the County Attorney's representation of the County or any of its departments, officials, boards, or commissions in the prosecution or defense of any lawsuit, the County Mayor is authorized to employ, with the approval of the County Commission, another attorney or law firm for the purpose of representation in such suit.

SECTION 8. The County Attorney shall have the same powers and authority as Tennessee county attorneys have under general laws.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Washington County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 10. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.